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Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth St. SW, Room TW A-325
Washington DC 20554

Re Ex Parte Notice -- WT Docket 02-55
Improving Public Safety Communications in the 800 MHz Band

To the Secretary.

We commend the Commission for addressing interference in the 800 megahertz (MHz) band that some public safety agencies have encountered. At the same time, we are concerned that serious consideration is being given to the "cure" of band reconfiguration proposed by some interests. This cure, in our view, would be worse than the disease. We refer specifically to the Consensus Parties plan. This plan would provide additional bandwidth to public safety communications while requiring large-scale relocation at great expense, regardless of reimbursement, and much time and unnecessary effort. Plus, this is a blanket approach to a problem that calls for a more targeted solution. Public safety interference has occurred largely in densely populated urban areas. This is where the solution should be applied through effective notification, prevention, communication, cooperation and mitigation among licensees. These measures would be supplemented by utilizing technology, private industry assistance and accepted best practices. In short, operators and licensees that cause interference should be held responsible for fixing the problem. This is the fair and equitable approach rather than a broad approach that causes unnecessary disruption and expense, not to mention likely drawn-out litigation.

Another important point warrants comment. The Consensus Parties plan would freeze all requests of non-public safety users, such as public utilities, to seek additional bandwidth. This restriction would make it impossible for utility companies to expand their radio systems to fill in coverage gaps. In rural areas where gaps exist, a freeze would impair the ability of electric utilities, in particular, to communicate effectively during emergency situations like storm-related outages. Electric utilities are commonly first responders. As such, public services agencies work hand in hand with electric utilities during emergencies and coordinate with them to secure and clear unsafe conditions due to downed power lines. Public safety agencies frequently share tower sites with electric utilities. This is a healthy partnership that should not be jeopardized.

We appreciate the opportunity to share our concerns with the Commission. Again, whatever rules the Commission adopts, any impairment of utility communications systems is likely to have a direct effect on public service agencies.

Sincerely,

Toni Brown
Public Works Director
City of Delaware

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